

1 **THE WESBROOKS LAW FIRM, P.L.L.C.**

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9 Attorney for Robert Williamson, III and Cate Waken-Williamson

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 ROBERT WILLIAMSON, III an individual,

13 Plaintiff,

14 vs.

15 VICTORIA L. GUNVALSON, an individual;
16 DAVID BROOKS AYERS, an individual,

17 Defendants.

18 DAVID BROOKS AYERS, an individual,

19 Counterclaimant,

20 vs.

21 ROBERT WILLIAMSON, III, an individual;
22 CATE WAKEN-WILLIAMSON, an
individual; and ANGELA TORRES, an
individual,

23 Counterdefendants.

24 BASE CASE NO.:

25 2:13-cv-01019-JAD- GWF

26 MEMBER CASE NO.:

27 2:13-cv-02022-JAD-GWF

28 **THIRD AMENDED DISCOVERY
PLAN AND SCHEDULING ORDER**

29 Plaintiff and cross-defendant Robert Williamson, III, cross-defendant Cate-Wakem
30 Williamson, and Plaintiff Vicki's Vodka, LLC, by and through their counsel of record, A. Mark
31 Wesbrooks, Esq. of The Wesbrooks Law Firm, P.L.L.C., defendant and cross-complainant
32 Victoria L. Gunvalson, and defendant Woo-Hoo Productions, LLC, by and through their counsel

1 of record, Sean P. Reis, Esq. of The Reis Law Firm, A.P.C.; and cross-complainant David
2 Brooks Ayers, in pro per, hereby submit the following modified discovery plan and scheduling
3 order for application to the entire consolidated case (both the base and member case):

4 **1. HISTORY OF CASE / CASE STATUS**

5 The parties recently appeared before the court to discuss case status. For a period of time,
6 certain claims in the present action were stayed as a result of bankruptcy proceedings. The
7 United States Bankruptcy Court for the District of Arizona modified the automatic stay of
8 bankruptcy to allow the entirety of the present case to proceed through full adjudication of all
9 claims through final judgment. The parties appeared at status conference with the Court on
10 January 17, 2017, informing the court of the full bankruptcy stay removal, which occurred on the
11 same date. The parties advised that an amended discovery plan and scheduling order is necessary
12 to allow completion of required discovery and development of the evidence for trial.

13 **2. DEADLINES FOR RULE 26(F) CONFERENCE AND INITIAL
DISCLOSURES**

14 The parties have conducted their Rule 26(f) conference for the consolidated case and
15 exchanged initial disclosures, except for defendant and cross-complainant Michael Nicholson
16 and defendant Cougar Juice Vodka in pro per (the “Nicholson Defendants”), who have not
17 provided disclosures.

18 **3. DISCOVERY CUT-OFF DATE**

19 The parties now respectfully request the Court to specially set a new discovery cut-off
20 date of **November 3, 2017**. The parties anticipate that this will allow enough time for the parties
21 to complete their discovery.

22 **4. AMENDING THE PLEADINGS AND ADDING PARTIES**

23 The last day to amend pleadings or add parties shall be amended to **August 1, 2017** (90
24 days before the proposed discovery cut-off date).

25 **5. FRCP 26(a)(2) EXPERT DISCLOSURES**

26 The last day to disclose experts shall be **September 1, 2017** (60 days before the proposed
27 discovery cut-off date). The last day to disclose rebuttal experts shall be **October 2, 2017** (30
28 days before the proposed discovery cut-off date).

29 **6. DISPOSITIVE MOTIONS**

1 The last day to file dispositive motions shall be **December 1, 2017** (30 days after the
2 proposed discovery cut-off date).

3 **7. JOINT PRETRIAL ORDER**

4 The parties shall file a joint pretrial order on or before **January 5, 2018** (30 days after the
5 date for filing dispositive motions). If a dispositive motion is filed, this date shall be suspended
6 until thirty (30) days after the decision on that dispositive motion. The disclosures required by
7 FRCP 26(a)(3) and any objections thereto shall be included in the pretrial order.

8 Dated: February 3, 2017

THE REIS LAW FIRM, A.P.C.

10 By: */s/ Sean P. Reis* _____
11 Sean P. Reis
12 Attorneys for Victoria L. Gunvalson, and
13 Woo Hoo Productions, LLC

14 Dated: February 3, 2017

THE WESBROOKS LAW FIRM, P.L.L.C.

16 By: */s/ A. Mark Wesbrooks*
17 Wesbrooks Law Firm, PLLC
18 Attorneys for Robert Williamson, Cate-
19 Wakem Williamson and Vicki's Vodka,
20 LLC

21 Dated: February 3, 2017

22 By: */s/David Brooks Ayers*
23 David Brooks Ayers
24 Pro per

25 **IT IS SO ORDERED.**

26 DATED: _____

27 _____
28 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, Mark Wesbrooks, hereby certify that on February 3, 2017, I filed through the Court's ECF system and served either through the ECF system or by electronic mail the foregoing document described as: **THIRD AMENDED DISCOVERY PLAN AND SCHEDULING ORDER, and reference Bankruptcy Court Order** using the Court's electronic filing system. A copy of the foregoing document(s) will be served via the Court's electronic filing system on interested parties in this action, or by email/regular mail as follows:

2:13-cv-01019-JAD-GWF Notice has been electronically mailed to:

Edward Randall Miley
emiley@mileylaw.com

Garry L. Hayes
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/s/Mark Wesbrooks

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